

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REBECCA JORDAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-cv-01929-AGF
)	
STATE FARM MUTUAL AUTOMOBILE)	
INSURANCE CO.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

In this action initially filed in state court, Plaintiff Rebecca Jordan seeks to recover from Defendant damages related to a policy of underinsured motor vehicle coverage arising out of an April 13, 2016, motor vehicle collision. Defendant removed the case to this Court, asserting diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). Plaintiff has now filed a motion to remand and attached a signed and binding “Stipulation Regarding Amount in Controversy,” in which Plaintiff “irrevocably agrees that the that the amount of damages claimed in her cause of actions against [Defendant] is and will forever be not in excess of \$75,000 each, exclusive of interest and costs,” and in which Plaintiff “agrees, acknowledge[s], and understand[s] that this stipulation is binding upon her and cannot be rescinded or revoked under any circumstances” ECF No. 8-1. Defendant has not responded to the motion, and the time to do so has passed.

“Allowing a plaintiff to unequivocally establish his . . . damages as no greater than \$75,000 through use of an affidavit (or other binding declaration) is entirely consistent with the congressional purpose underlying the amount-in-controversy requirement, that is, to keep the diversity caseload of the federal courts under some modicum of control.” *Walsh v. J.B. Hunt*

Transp., Inc., 20 F. Supp. 2d 1300, 1301 (E.D. Mo. 1998) (citation omitted). In this case, the proffered stipulation clarifies that the value of Plaintiff's claim at the time of removal did not exceed the jurisdictional minimum, and the Court may find on the basis of the stipulation that jurisdiction never attached. *See Nukic v. Masterbrand Cabinets, Inc.*, No. 4:15 CV 491 RWS, 2015 WL 13658080, at *2 (E.D. Mo. Apr. 13, 2015).


Upon review of the record, and based upon Plaintiff's stipulation, the Court finds that the amount in controversy does not exceed \$75,000, and as a result, jurisdiction was lacking at the time of removal.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion to remand is **GRANTED**. ECF No. 8.

IT IS FURTHER ORDERED that the Rule 16 conference previously set for January 14, 2019 is **CANCELED**.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Circuit Court of the City of St. Louis, Missouri, in which it was filed.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 27th day of December, 2018.